

ACTOR, FIEND OR CRAZED DEMON—E. C. FLANAGAN?

Day of Foul and Harrowing Details of Morbid Love, Lunacy and Bloodshed.

HE TELLS HIS OBSCURE STORY

His Diary Entries, with Their Revolting Incidents, Bring Blushes to the Jurors' Cheeks.

HAS RECOVERED HIS KNEE JERK

Strong Symptom of Insanity Has Disappeared—His Boyhood Love Is the Theme of a Pathetic Story—Trial May Be Brought to End Tomorrow.

The story of the Tennessee girl who first wrecked Flanagan's life, his statement of the terrible tragedy at East End, the diary with its disgusting details of his life at the Allen's, with some new evidence and expert testimony, thrilled, horrified, disgusted and entertained the actors in the murder trial at Decatur yesterday.

Flanagan was mirrored forth in a new light—the love-wrecked, the love-maddened, the most interesting and pathetic feature of the day's proceedings. The statement had been heard before, but the romance was new. It dealt with a part of the prisoner's life that had never been laid bare to the public. It was decent, therein differing from the bulk of the day's proceedings.

George Allen was placed under guard while Flanagan made the statement of his crime and its alleged provocation. It was thought he might be so wrought up over his abusive language and story of the prisoner that he might do harm, as he attempted before when the murderer told the story that accused the father of so back a deed.

The prisoner made his statement in a remarkably clear and concise manner. He showed that he knew every word that he had to say and he spoke with confidence of a school boy with a well-learned recitation. Only once did he pause, and then it seemed that he had forgotten some important part. After a minute he recovered and continued. The statement was almost identical the same as given at the former trial.

After the statement of the prisoner his diary and letters were read. The diary dealt in vile words and the most revolting language. The stern, bronzed faces of the jurors blushed crimson at times while the infamous record of events was being read. Only one expert, Dr. Purse, was sworn yesterday. He testified that he considered Flanagan insane and irresponsible at the time of the commission of the murder. He is the doctor who treated the prisoner just prior to the murder and was well acquainted with both his physical and mental conditions.

Some new evidence of importance was introduced during the day. Flanagan's passion for little girls was strongly shown by the testimony.

Colonel W. L. Wright assisted in the prosecution yesterday. Colonel Hal Lewis's brother has nothing to do with the case, as has been stated.

Flanagan was left at Decatur again last night under a strong guard. There is no expectation or fears of a lynching.

Flanagan has recovered his knee jerk. This was shown yesterday by an expert examination.

This may or may not argue that he is in better mental condition than at the first trial. The loss of the knee jerk was then claimed to be strong proof of insanity, or at least an unmistakable symptom.

Flanagan Reaches Court.

the floor instead of a chair. When he asked her to sit in a chair, she would say that it would kill her to sit in one. Witness thought his maternal ancestor was a weak-brained stock.

A. B. Ham, the postmaster at Ramor, Tenn., was the next witness. His testimony was read from the record. He knew that prisoner's mother had died with some trouble of the head. He also knew that prisoner's sister had died of a like trouble.

The evidence of T. J. Ramer was next read. He had known the Flanagan family. Prisoner's mother had died insane. She had mind enough to transact ordinary business. She had spells of temporary aberration of mind. Prisoner's sister had died of some organic trouble. Witness had never known Flanagan, the prisoner, to be violent.

S. Ramer's testimony came next. He swore as the other witnesses.

The Barber Witness Appears.

T. J. Klein, the witness who was the prisoner's barber, and who had failed to show up on the first day of the trial, was brought in under arrest to be tried for contempt of court.

The jury was retired while the hearing was had. Klein claimed that he had been told by Colonel Rountree that he would be called when wanted. The hearing was continued until Thursday.

Colonel Glenn called attention to several other absent witnesses. Dr. Massey, of Austell, was mentioned by Colonel Glenn as a very important witness.

Judge Candler said that he had officers with attachments for the missing witnesses. Witness Dobbs and Miss Scruggs, two other witnesses for the defense, were mentioned as parties whom Colonel Glenn wanted. He said he would be forced to move for continuance at some stage of the trial if Massey and Dobbs were not here.

Colonel Glenn spoke of the lack of diligence on the part of the officers, and said that as a general thing officers never knew anything. Judge Candler said that Officer Buchanan always knew everything and saw everything. Judge Candler said that the officers had done everything to find the witnesses.

Experts Hear Flanagan.

The attorneys in the case consulted together for several minutes and it was finally decided by the defense to put Flanagan up to make his statement. All of the medical experts were called up close to the bar while the prisoner made his statement.

The experts present were: For the defense, Dr. S. G. C. Pinckney, Dr. J. S. Todd, Dr. W. A. Purse and Dr. B. W. Bizzell. For the prosecution, Dr. J. C. Baird, Dr. W. P. Nicholson, Dr. C. B. Green, Dr. McDaniel and Dr. Goss.

Flanagan took the stand with his peculiar automatic movement. He took a seat on the extreme corner of the little chair, half sitting and half standing.

He spoke very clearly and lucidly. It was almost identically the same statement he made at the former trial. He told everything in a very connected manner. At times, while making the statement, the prisoner grew impatient and eloquent.

He closed in a very wild and excited tirade against George Allen and the fate that kept him in jail while Allen was free. The statement with the obscene and indecent details eliminated will be found elsewhere.

Dr. Purse on Flanagan.

After Flanagan had concluded his statement the first of the medical experts was put on the stand.

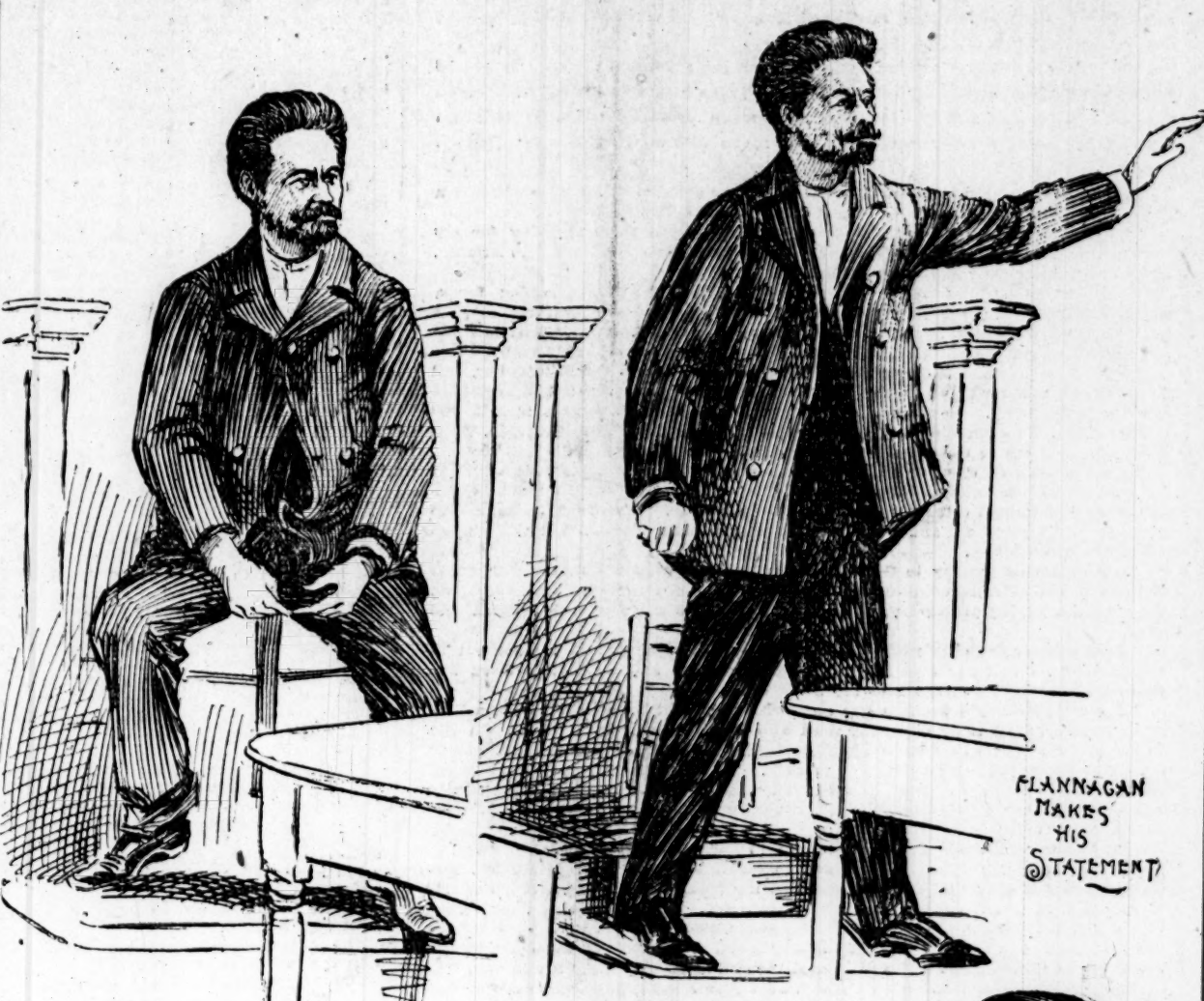
Dr. Purse gave the first expert testimony. The doctor had a more intimate knowledge of Flanagan's condition at the time of the murder than the others. He was attending Flanagan at the time of and preceding the crime, at which period of time the defense is attempting to prove Flanagan to have been insane.

Dr. Purse testified relative to his treatment of Flanagan's burned fingers and his organic trouble. He said that Flanagan had made a confidant of him and had told him almost the same story as is contained in Flanagan's statement.

Witness said he had advised the prisoner to leave the Allen home and return to his home. He considered the prisoner crazy on the night of the murder, December 31st, 1896.

Flanagan's symptoms were minutely described by Dr. Purse. He said that the defendant was always morbid and melancholy and that he seemed to be suffering from some organic trouble of the brain. The prisoner was always depressed. Witness had noticed from the first that Flanagan was weak intellectually. The prisoner was possessed of hallucinations; he was rambling and disconnected in conversation.

FLANAGAN AND SOME OF THE CHARACTERS IN THE TRIAL YESTERDAY



IMPORTERS OF TOBACCO LOSE

They Must Pay on Weight as It Goes Into Warehouse.

IT ABSORBS THE MOISTURE

By the Dingley Bill New York Men Alone Will Be Out \$500,000 A Year.

New York, July 27.—The Dingley law has caused a panic among importers of tobacco, who declare that one short paragraph in the new law means a loss to them of thousands of dollars every year.

The paragraph is a part of section 33 of the act, which compels importers to pay duty on tobacco at the weight it goes into the bonded warehouse. This takes from the tobacco men a privilege that has for many years been accorded to them by the tariff laws.

Under the Wilson act and previous laws, importers have had their tobacco reweighed at the time of its withdrawal from bonded warehouses and on which weights duties were collected. The weight of tobacco is greatly reduced during the period of bonded storage by evaporation.

When tobacco arrived from a long ocean voyage it is frequently insufficiently cured and has absorbed a large percentage of moisture. This moisture evaporates in the warehouse. Experts estimate that the importer saves \$2 to \$4 a bale on Sumatra and sometimes as high as \$7 a bale on Havana leaf by paying on the dried-out tobacco.

Importers will now gain nothing by delay, but must pay duties at \$1.35 per pound of the weight on tobacco at the time of its arrival. They estimate that the loss to importers in New York alone will be \$500,000 a year.

ALABAMA WHOLESALE GROCERS.

State Organization Temporarily Effected in Selma.

Selma, Ala., July 27.—(Special).—The wholesale grocers of Alabama were called to meet in this city today for the purpose of forming a state organization. The meeting was called to order in the parlors of the Hotel Albert at noon.

Due to the small attendance only a temporary organization was effected, with Ernest Lamar, chairman, and Lloyd M. Hooper, secretary. The meeting adjourned this evening, subject to the call of the chairman. It is planned to meet in Birmingham at an early day and there perfect an organization.

ANDREE'S BALLOON ON THE SEA.

Dutch Steamer's Captain Brings News of the North Pole Hunter.

Rotterdam, July 27.—A letter from Captain Lehman, of the Dutch steamer Dordrecht, appears in one of the papers of this city to the effect that he saw a curious object floating in the White sea on July 17th, which was neither a ship nor a dead whale, but resembled a balloon.

Captain Lehman suggests that it may have been Andree's balloon which he saw.

COMPLICATIONS MAY ARISE.

Authority of Soldiers To Be Sent to Klondike Region Questioned.

Washington, July 27.—Legal complications may intervene to prevent the detail of a company of United States troops to Alaska to assist in maintaining the peace in the Klondike region.

Complications presented themselves as soon as the subject was first broached, and have been the source of annoyance to the officials who feel that a law-reserving body of men is essential to the well-being of the people flocking to the gold country.

No doubt appears to be entertained of the power of the president to send a company of soldiers, but the question raised is just what authority they will have after being located there.

GOLD DUST BAGS FOR ALASKA.

Eastern Firm Working Double Time To Supply Demand.

Middleton, N. Y., July 27.—A local firm engaged in manufacturing gold dust bags of sheepskin for California customers are working with double force on account of the telegraphic orders received since the Klondike discovery.

TALBOTTON'S NEW POSTMASTER.

Merchant DeLoach Gets Plum Negro Was After.

Washington, July 27.—(Special).—W. O. DeLoach was appointed postmaster at Talbotton today. He is a well-known merchant and fell heir to the office when Douglas, the negro who had the endorsement of the republican organization, withdrew.

WARNING FROM ENGLISH PRESS

Editorials Are Written on Dismissal of President Andrews.

THE CHRONICLE SPEAKS OUT

That Paper Says It Is a Serious Blow at Intellectual Liberty in America.

London, July 28.—The Daily Chronicle this morning devotes an editorial article to the dismissal of E. B. Andrews from the presidency of Brown university, which action it regards as the most serious blow the capitalist oligarchy has yet struck at social economy and intellectual liberty in America.

The Chronicle says:

"There was no doubt that, like Professor Bell, who was dismissed from the University of Chicago, President Andrews was dismissed because he warned his countrymen against the growth of great monopolies. It seems certain that a conflict is approaching that will shake the union as it was shaken by the great slavery question."

"It looks as though the splendid millionaire endowments of American universities had the unworthy motive of the promotion of the interests of the monopolists. We anticipate a great wave of opinion against the pretensions of the monopolist class as dangerous to freedom."

"This movement will lead to the substitution of public for private control and ownership of the big trusts and monopolies, and the substitution of state for private colleges and universities."

BOWMAN HAS A 'PEEPING TOM.'

Committee Appointed Requests Him To Leave Town.

Bowman, Ga., July 27.—(Special).—John Maxwell, a man with a wife and three children, has been discovered on several occasions practicing the tactics of "Peeping Tom" at various places about town. This morning the citizens of the place held an indignation meeting and appointed a committee of twelve men to notify Maxwell to leave the state within ten days, deeming this better than whipping him. The committee was composed of representative men

—merchants, professional men and leading planters. Maxwell could not be found, but the notice was read to his wife, who expressed herself very freely to the committee, declaring that her husband would not leave.

BREWERS' AGENT SKIPS OUT.

Mobile Man Short About \$26,000, Leaves Suddenly.

Mobile, Ala., July 27.—(Special).—Robert J. Pearson, agent for the Christian Morleyn Brewing Company, has soaked the town for several thousand dollars, and is said to be summing over the bay, but his railroad ticket read Chicago.

The brewing company want him for \$22,600, and local parties would like him to straighten out about \$4,000 more. The crash has been looked for since Pearson ran for mayor here against Curtis Bush, the incumbent, and came about when John Mulier, of the brewing company, sought to gather in Pearson's property for the amount named.

Hon. L. N. Frenkel, representing the Cummann whisky house, of Cincinnati, made the local rush for \$300, and at midnight the city court was still working on claims. Pearson had attained his notoriety here, and his financial downfall is the sensation of the hour. It is said to be produced by useless competition with local brewers.

SOLDIER PAYS AN OLD WAR DEBT

New Yorker Sends a Turbelle, Who Saved His Life, Money.

Raleigh, N. C., July 27.—(Special).—During the war Jess Snathery, a confederate soldier from Montgomery county, saved the life of a New York soldier who was wounded.

The woods had caught fire and the federal soldier called for help. Snathery took him to a safe distance and provided him with water.

Yesterday he sent Snathery \$300.

MUNCHMEYER COMMITTS SUICIDE

United States Consul at San Salvador Kills Himself.

Washington, July 27.—United States Minister Baker has cabled the state department that United States Consul Munchmeyer, at San Salvador, committed suicide there last night.

Mr. Baker says that he will appoint a vice consul to take charge of the office. Munchmeyer was appointed from West Virginia in 1886, first to the vice consulate at Acapulco and later in the same year to San Salvador to fill the vacancy caused by the death of his father.

A few days ago Mr. Jenkins, of Nebraska, was nominated for the place held by Munchmeyer.

MISTRIAL ORDERED BY COURT.

Jury Could Not Agree in Creel Chandler.

Greenville, S. C., July 27.—(Special).—Creel Chandler was tried here today for assault. Chandler is a young boy, not twenty years old. He was raised in the dark corner of this county in the section where the alleged crime was committed.

Peer C. Shaddah and his wife both testified that they believed Chandler had assaulted their daughter, Bessie. Chandler denied all knowledge of the affair and told a straight story. He was defended by two young attorneys appointed by the court.

After being out five hours, the jury failed to agree and a mistrial was ordered. Five young men who were on the jury stood out for a verdict of guilty with a recommendation to mercy. The others were divided as to the proper verdict. None wished an unqualified conviction.

HE FORGED A DEAD MAN'S NAME

Alabama Lumberman Convicted of a Serious Charge.

Montgomery, Ala., July 27.—(Special).—W. J. Crowder, a Covington county lumberman, was convicted of forgery in the city court here today.

Last fall Crowder sent to attorneys here for collection from the estate of W. C. Stirling a note for \$200 payable to the note, however, bore the signature "C. S. Stirling."

As no such man has ever been known here, it was suspected that Crowder was endeavoring to rob the dead man by forging his name, and he was arrested. The jury today found him guilty. His attorneys will appeal.

HE GETS LIFE IMPRISONMENT

Governor Commutes Murderer Townsend's Sentence.

Montgomery, Ala., July 27.—(Special).—John Townsend, who was sentenced to hang with Poe Newell, another negro murderer, at Selma, Ala., next Friday, this afternoon had his sentence commuted by the governor to life imprisonment.

The governor granted the commutation on the petition of the jury and most of the officials of the court which tried Townsend. Newell's execution will take place.

TWO HORSE THIEVES ARE SHOT.

Arkansas Mob Makes Way with Grower and Beach.

LABOR LEADERS IN CONFERENCE; OPERATORS MEET

Largest Gathering Ever Held of the Heads of Labor Organizations Is in Progress.

MEET TO CONSIDER STRIKE

Chairman Gompers Has Been Appointed a Committee of One To Make an Investigation.

OPERATORS MEET AND DISAGREE

Mine Owners Find Difficulty in Reaching a Basis of Agreement—Colonel Rend Hands in a Minority Report and Finally Withdraws from Meeting.

Wheeling, W. V., July 27.—What is declared to be the most important and largest gathering of the heads of labor organizations of America ever held, is now in session in this city.

It is the conference of labor leaders called last week by President M. D. Ratford, of the United Mine Workers, and approved by President Gompers, of the American Federation of Labor, of which the miners' organization is a part.

The purpose of the conference is to aid in a speedy and successful termination of the great coal strike.

Sessions of the conference were held during the day and tonight, but until the night session little had been accomplished. The following labor leaders were present:

Samuel Gompers, of New York, president of the American Federation of Labor; Frank Morrison, of Chicago, secretary of the Federation; M. D. Ratford, of Columbus, president of the United Mine Workers of America; W. C. Fears, of Columbus, secretary of the miners' organization; P. H. Morrissey, of Peoria, Ill., grand master of the Brotherhood of Railway Trainmen; W. D. Mahon, of Detroit, president of the Street Railway Union; J. R. Sovereign, president of the Knights of Labor; James H. Sullivan, of Baltimore, president of the International Association of Decorators and Painters; J. B. Lennon, of Bloomington, Ill., president of the Custom Tailors' Union; J. F. Mutholland, of Toledo, president of the International Union Bicycle Workers; Jesse Johnson, of Nashville, president of the International Printing Pressmen's Union; Theodore Perry, Nashville, president of the International Typographical Union; Robert Askew, of Birmingham, secretary of the Northern Mineral Mine Workers; William McKinley, Lafayette, Ind., president of the Painters' Union; W. H. Rea, Chicago, president of the Painters and Decorators' Union; G. W. Perkins, Chicago, president of the International Tobacco Workers' Union; Patrick Dolan, Pittsburgh, president of the Amalgamated Association of Iron, Steel and Tin Workers; C. H. Wilkins, Chicago, assistant grand chief of the Order of Railway Conductors; F. P. Sullivan, Peoria, Ill., grand master of the Brotherhood of Railroad Firemen; Val P. Fitzpatrick, Columbus, third vice president of the Brotherhood of Railway Trainmen; T. L. Lewis, Bridgeport, O., secretary of the Ohio miners' organization; E. V. Debs, Chicago, former head of the American Railway Union; J. Kunzler, Pittsburgh, secretary of the American Flint Glass Workers' Union; W. H. Riley, Wheeling, president of the National Stevedores' League; P. J. Conaghan, of Pittsburgh, secretary and treasurer of the National Plumbers and Gas Fitters' Union.

The first session of the conference was held at 1 o'clock on the arrival of Messrs. Ratford and Pears, from Columbus. On motion of Mr. Sovereign, Samuel Gompers was chosen to preside and Secretary Morrison, also of the federation, was made secretary.

Chairman Gompers then called upon the miners' representatives to detail the situation. They were also asked to suggest in what manner the other labor organizations could give their aid.

President Ratford, of the miners, addressed the conference at some length, stating fully the causes that had led to the suspension of work in the bituminous regions and presented the conditions of the miners who are taking part in the strike. In the course of his remarks it was believed that the hardest fight should be made at the works of the Cleveland and Pittsburgh district. This was considered fully as important a point as the West Virginia district. At this point a recess was taken for dinner.

Tow Conferences Were Held.

Upon reassembling at 2:30 o'clock the conference again took up the strike question. Messrs. Mahon, Rea and Debs, who have been at work in the bituminous regions and presented the conditions of the miners who are taking part in the strike. In the course of his remarks it was believed that the hardest fight should be made at the works of the Cleveland and Pittsburgh district. This was considered fully as important a point as the West Virginia district. At this point a recess was taken for dinner.

Two Horse Thieves Are Shot.

Arkansas Mob Makes Way with Grower and Beach.

Little Rock, Ark., July 27.—News of the killing of one horse thief and the probable fatal shooting of another by a mob near the Scott and Yell county line, sixty miles from a telegraph office, reached here today.

The victims were white men. Their names were Growover and Beach.

Coldest July Day on Record.

Minimum Temperature in New York Reached Sixty.

New York, July 27.—This is the coldest July day on the records of the weather observer.

The minimum temperature was 60 at 3 and 4 o'clock this morning.

The nearest approach to this was in 1881, when the thermometer went down to 61.

DRUNK MYSTERY IN SPRINZ MURDER. TWO THEORIES ARE NOW ADVANCED

Hitch in Trial of Frank Morris, Called at Midville Yesterday, on Account of Bill Jones's Absence, but the Case Will Be Taken Up Again on Friday.

DR. KILPATRICK MAY HAVE TO STAND FIRE ONCE MORE

Morris's Attorneys Announce They Will Try To Prove That the Physician Killed Joe Sprinz—Murder Mystery Grows Deeper and More Engrossing Every Day—Plot and Counterplot Thicken.

Midville, Ga., July 27.—(Special.)—Mystery in the most mysterious form, dark crime, crime and retribution are the elements in the now celebrated murder case of Joe Sprinz, a prominent citizen of this place, who was brutally beaten to death at his quiet home in Midville on May 6th last.

Although shrewd detectives and an interested public have labored uselessly for weeks endeavoring to solve the mystery, little progress has been made, and but few doubtful circumstances have been unearthed which can be of real importance in final solution of this strange case.

All Midville and Burke county are greatly excited over the dark murder, and time seems to add interest to the case rather than diminish it. The best citizens of the county are divided in opinion as to who killed the man, and the progress of the case is a matter of public interest.

Dr. J. J. Kilpatrick and ex-Marshall Frank Morris, and there are many who doubt if either is a guilty man. So great is the interest and division of opinion over the case, and one serious difficulty between prominent citizens has just been brought about by the fact that Morris is writing this dispatch.

Morris is Arraigned. Frank Morris, ex-Marshall of Midville, was this morning arraigned before Magistrate J. W. Sandford and Associate Magistrate McCullers and Jones, charged with the murder of Sprinz, but after an hour's dispute between the attorneys in the case, it was postponed until Friday morning on account of the absence of Detective Jones and another witness for the defense.

Attorneys said they had not had opportunity to prepare the defense. Midville was crowded early by an interested throng of citizens from all sections of the county, eager to hear the testimony, and to watch the progress of the case, which was another witness for the defense.

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Kilpatrick Is Suspected. Although he has not been prosecuted or arrested since his temporary detention several weeks ago, and his apparent release as a principal in the case, Dr. Kilpatrick is still under the ban of suspicion, and many citizens still openly express the opinion that he is the murderer.

But the absence of a reasonable motive for his commission of the crime, and the fact that he is a physician, and a man of high standing in the community, have led many to doubt his guilt.

It is believed that Morris is the murderer, and that he is the one who is the most likely to be the guilty party.

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such as a heavy stick or a policeman's club. "It is ascertained further," continued the detective, "that Dr. Kilpatrick was heard talking with Sprinz on the night of the murder by three persons, two negroes and Marshall Morris."

The detective paused a few moments and then resumed slowly: "Some Tell-Tale Letters."

"Then there were some tell-tale letters which led me to the belief that Dr. Kilpatrick wished to marry Mrs. Sprinz. He was the family physician and it was under his orders that Mrs. Sprinz went to Macon for special medical treatment. While there she sent a bundle of envelopes by Dr. Kilpatrick, addressed to himself, in a disguised handwriting. These were for her to write to him with. And I learned that she never wrote to him until he would return to her the other letters she had written. In some of Dr. Kilpatrick's letters to Mrs. Sprinz were promises of a fine home, handsome carriage, beautiful carpets for her to sit on, and flowers, etc."

"Now, upon all these points, I learned that when Sprinz was killed Dr. Kilpatrick was the first person to notify Mrs. Sprinz. He knew her address, although she was not with relatives, and he wired her the following words: 'Joe murdered last night. Remains up tonight.' This was a very gentle way for a family physician to break the news to an ill woman, wasn't it?"

"I understood that Dr. Kilpatrick went to Macon with the remains as one of the mourners and while there talked about the dead man to the people. I learned that from what I gathered I believed that there was a concerted plan for Sprinz to be caught in a compromising position so that Mrs. Sprinz could secure a divorce. Sprinz evidently did not fall into the trap. It is possible that Mrs. Sprinz did not think that murder was to be resorted to."

About That Trial. "Now, about the preliminary trial of Dr. Kilpatrick, I wish to say that neither Judge Twigg nor myself received any notice that the trial was to take place. It has been stated that I stopped Mrs. Sprinz as she was passing through Macon on her way to the trial. This occurred in this way: I was told that Mrs. Sprinz was on the train. I found her and requested her to stop over, as I knew nothing of any trial and Judge Twigg told me I had done just right. I had induced Mrs. Sprinz to go to Atlanta and wait until the trial took place. I got Mrs. Sprinz to swear out the warrant against Dr. Kilpatrick. She demurred at first, but I intimated to her that she was about to get in the same boat with Dr. Kilpatrick. She then told me that she would do anything I advised if she was to get in the same boat with Dr. Kilpatrick."

"These are about the facts in the case. I have other evidence which I cannot divulge now. I do not believe that Morris is guilty. He aided me all he could, even working on clues that tended to criminate himself."

"From what he says he will not go to Midville in a hurry, but he may be induced to do so later on."

NEW WITNESS IN ALBERT CASE

An Officer Who Saw Jim Williams Running.

IDENTIFIES THE NEGRO IN JAIL

He Saw the Negro on the Morning of the Shooting—He Was Passing the Coffin Factory.

A new and important witness appeared yesterday morning in the murder case of Jim Williams, who is in jail charged with the killing of Patrolman L. F. McMichael. This new witness about clinches the evidence against the negro and about establishes the fact that the detectives and police officers have captured one of the murderers who shot down the officer while patrolling his beat on the morning of July 12th.

Yesterday morning Mr. W. D. McMichael, who is the special night officer at the Atlanta coffin factory, called at the Fulton county jail and saw Williams. After looking at the negro several minutes, Mr. McMichael walked into the jail office and remarked:

"That is the man." On the morning of the 12th Mr. McMichael saw Jim Williams run hurriedly by the coffin factory on the morning of the shooting, and then he would run again. He recognized him easily. Williams was very much excited and would run a little and then walk a few paces, as if to catch his breath, and then he would run again. The Atlanta coffin factory is at No. 194 Elliott and is in the direction from the factory to the shooting which one of the negroes ran after the officer was shot down.

The time it would have taken the negro to have gone hurriedly from the Brown street bridge to the coffin factory coincides exactly with the time which elapsed between the time the officer was shot down and the time he was captured.

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STONE MOUNTAIN TWINNS THE SITE

Courthouse Will Be Moved There from Decatur.

JUDGE CANDLER REVERSED

The Supreme Court Sustains Stone Mountain's Plea.

NEWS CAUSED GLOOM IN DECATUR

Deepest of Interest Felt in the Result Which Was Announced Yesterday—The General Assembly Will Ratify the Court's Decision.

The municipal roster at Stone Mountain was in higher feather last night and crowing for dear life.

Stone Mountain defeated Decatur in practically the last stage of the hard-fought battle for the site of the county courthouse yesterday morning when the state supreme court handed down a decision reversing the decision of Judge John S. Candler in refusing to enjoin the county officials of DeKalb from proceeding to erect the courthouse at Decatur.

The decision in effect says that two-thirds of those voting in the election for removal of the courthouse was legally sufficient to decide the question, and not two-thirds of the registered voters of the county, as had been claimed by the DeKalb county officials.

To put it in short phrase, the election held in DeKalb county on December 21 last on the question of removing the county site from Decatur to Stone Mountain, which 814 voters were cast for removal, and 199 against removal, settled the matter, with the exception of having that decision of the voters ratified by the general assembly of the state. All that remains for the people of Stone Mountain to do is to secure an act of the legislature ratifying the result of the vote in the December election. This they regard as merely a matter of form, as the legislature is invariably governed in such matters by the verdict of the voters of the county interested. The state constitution requires the ratification after the people have voted on the question.

The main point which was yesterday decided in Stone Mountain's favor, and which means that the new courthouse will go up there, is that the vote of two-thirds of those voting in such an election is sufficient to the settlement of the problem. Decatur's partisans claimed that two-thirds of the voters of the county were required to change the county seat, on this theory they in many instances refrained from voting.

Stone Mountain Starts the Ball. Last fall a movement was started in the county to change the county site to Stone Mountain from Decatur. A petition signed by two-thirds of the voters of the county, as required by law, was presented to Ordinary Ragsdale, asking that he call an election for the purpose of voting on the question whether the site should be removed to Stone Mountain. The necessary two-fifths having signed the petition, the ordinary called an election for December 21.

The Stone Mountain people worked like beavers to have the matter decided in their favor. The people of Decatur, so it is said, feared that the majority of two-thirds which was necessary to settle the matter in favor of Stone Mountain would be cast, and it is said that in order to defeat the purpose of Stone Mountain by causing a lack of what they believed to be a necessary two-thirds of all the voters of the county participating, they refused to vote.

Stone Mountain Wins Out. The election passed off without much excitement, there being comparatively a small vote cast, but, as stated, the result was largely in favor of Stone Mountain. Acting on the idea that two-thirds of the voters of the county were required to register their votes in favor of the movement, the ordinary advertised for bids to have the new courthouse erected at Decatur. The contract was let and work was just about to begin when the people of Stone Mountain appealed for an injunction. They set forth that the will of the voters of the county was being defeated by this action of the ordinary, and that he was spending \$25,000 in a courthouse which would never be legally used. Judge Candler refused the injunction, and the matter was carried to the supreme court.

The decision of the supreme court was handed down yesterday, overruling Judge Candler.

This decision has been awaited with feverish interest by the people of the county, and yesterday it caused a deep gloom in Decatur and wide elation in Stone Mountain. The citizens of the latter place were greatly rejoiced when news of the decision reached them.

Will Go to the Legislature. When the legislature meets a bill will be presented as the constitution requires, changing the site from Decatur to Stone Mountain. It is extremely probable that the people of Decatur will continue their spirited fight before the legislature, but hardly with great hope of success, as the last house set a precedent in such matters in deciding the Fannin county case in accordance with the expressed wish of the majority of the voters of the county in the election. The legislature, as stated, will hardly exercise any independent function in the matter, being governed, it is presumed, in its action by the face of the election returns.

The people of Stone Mountain strongly uphold the decision of the supreme court that it is located more centrally than De-

catur and is more convenient to the people of the county.

The Decision in Full.

Following is the finding of the supreme court in full:

Weils et al. v. Ragsdale, ordinary. Before Judge Candler. DeKalb superior court. Little, J. L. According to the provisions of paragraph 4, section 1, article 2 of the constitution of this state (Civil Code, section 387), it is required only that two-thirds of the qualified voters of a county, who may have voted at an election held for that purpose, shall vote in favor of the removal of a county site, in order to remove the same to another place. The general assembly approved October 8, 1879 (Civil Code, section 389), provides that the assent of two-thirds of the qualified voters of the county shall be necessary to authorize such removal. Inasmuch as the act referred to imposes upon the right and power of removal conditions other than those expressed in the constitutional provision above mentioned, and requires a greater number of votes in order to authorize such removal, such act is to that extent unconstitutional and void.

The constitutional provision above referred to, in so far as the same prescribes the method of ascertaining the number of votes necessary to change of a county site, differs from other provisions of the constitution bearing upon the right of removal of the county seat, etc., in that in the former the exercise of the privilege is dependent upon the assent of two-thirds of the qualified voters voting at the election, and in the latter, upon the assent of two-thirds of the qualified voters of such county.

2. Under the provisions of section 381 of the Civil Code, the power to call an election to determine whether in a given county there shall be a change of the location of the county site, is vested in the ordinary, and even if the general assembly should enact a law to the contrary, this general law as to vest this power in another official, the act approved December 18, 1888, creating a board of commissioners of roads and revenues for the county of DeKalb, neither vested nor sought to vest such power in commissioners created by it.

3. The holding under section 381 of the Civil Code, that the vote of the majority of the qualified voters of a county is sufficient to decide the question, and not two-thirds of the registered voters of the county, as had been claimed by the DeKalb county officials, is correct.

4. The change of a county site was regularly ordered by the proper authority, and in pursuance of such order a particular place, so long as it stands as a part of the proceedings, is binding upon the party making the change, and no other party is authorized to inspect the several ballots to which such admission relates, in order to ascertain whether the facts thus admitted are true.

5. To the validity of such an election it is not indispensable that the facts thus admitted be true, and the facts thus admitted are true.

6. Where in a given case the correctness of the result of such an election is called in question, an admission made in the proceedings that certain of the voters voting at such election voted in favor of the removal of the county site, is a particular place, so long as it stands as a part of the proceedings, is binding upon the party making the change, and no other party is authorized to inspect the several ballots to which such admission relates, in order to ascertain whether the facts thus admitted are true.

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and gave it to the conductor. Mr. Crawford, who was sitting on the back seat of the car, paid his fare. Then said he did not remember any of these things or anything that happened after he was struck. Mr. Pool said that he had a conversation with Mr. Tison when he got on the car, in which Tison thanked him for his kindness and asked him if he would not go with him to the hotel, and bid him good-night.

Mr. Cooper asked Conductor Weems whether Tison could him next morning to redeem the chain, when Weems told Tison and himself that he would be at the morgue of Marietta street at 10:30 o'clock next morning.

It was in evidence, and Tison admitted that he had been drinking all that day, and the proof showed that he probably did not know how much money he had, or whether he had a watch when he left for Lakewood. In a conversation Mr. Tison admitted after the occurrence and before the trial, that he did not believe that Mr. Cooper had ever had his watch or his money, and that he had made a mistake and done Mr. Cooper an injustice in swearing out the warrant against him.

A TRIP TO OCEAN CITY.

Being Arranged for Atlantians by Mr. S. H. Agnew, of Washington.

Mr. S. H. Agnew, of Washington, D. C., is at the Hotel Aragon. When seen by a representative of The Constitution Mr. Agnew said that his visit to Atlanta this time is one of business strictly.

"I am here," said Mr. Agnew, "to personally conduct a party of tourists, investors and pleasure seekers to Ocean City, Maryland's beautiful and favorite seaside resort. Any who choose to join my party," he continued, "will be taken to the City of Washington over the Southern railway at half rates, with the privilege of stopping off at Washington either going or returning, and the party will also be made at the Atlantic hotel, Ocean City, for the

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Gunn Will Go
The Gunn will leave
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ordinary, was ag

Miss Daisy N. B.

Mr. Stewa

Stewart, of the clerical house, will regret to leave in two weeks to reside permanently in the city for himself, and his enviable reputation.

Claude Allen, a white recorder yesterday, charged a negro woman with hitting her on the street. The costs of court. The woman owes eleven days. This will make over

Reserve Go
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sorrowing husband

The wife of a De was arrested yesterday at the police court running after two taking from them a man was Mrs. C. boys passing with

Under t
Three wandering

porter Brogan, Hon. Harris, were tried Monday afternoon for they pleaded guilty. Healed a lack of order's part, as the etta. The plea was

Old Isaac McLaughlin has been giving the people some time by allowing them to assemble in his

and fined \$25 and com-
mitted to the front
Judge, old Isaac
case." The recorder
very sorry to hear
ought not to have
does to go to his home

James A. Cagle
Last night James
a warrant char
nd battery.
Cagle got into s
light with a cond

When a deputy arrived bond was posted and Cagle was released. Cagle says that the outcome of the case in the car was in favor of him and that he was escorted to the jail.

